

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM  
Section 3, Rio Cebolla

Subfile No.: CHCB-003-0005

**MOTION TO CORRECT CLERICAL ERROR IN  
CONSENT ORDER IN SUBFILE NO. CHCB-003-0005**

Pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, the plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to correct the *Consent Order* filed on December 5, 2002 (Doc. No. 6971) in connection with Defendants Joe M. Madrid and Phyllis Madrid (Subfile No. CHCB-003-0005), and as grounds therefor Plaintiff states:

1. The *Consent Order* submitted by the State and entered by the Court on December 5, 2002, for Subfile No. CHCB-003-0005 mistakenly omits the Quarter Section for the location of 20.4 acres of irrigated lands and 5.8 acres of land with no recognized water right(s).
2. The correct Quarter Section location for the 20.4 acres of irrigated lands is as follows:

**Location and Amount of Irrigated Acreage:**

Section 35, Township 27N, Range 04E, N.M.P.M.

Pt. NE¼

20.4 acres

As shown on the revised Hydrographic Survey Map for Subfile No.: CHCB-003-0005.

3. The correct Quarter Section location for the 5.8 acres of lands with no recognized water right(s) is as follows:

**Location and Amount of Acreage:**

Section 35, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$

5.8 acres (No Right)

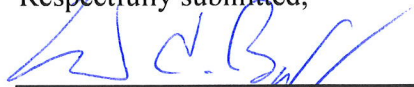
As shown on the revised Hydrographic Survey Map for Subfile No.: CHCB-003-0005.

4. Correcting the location for the water right(s) does not affect the nature or extent of the water right(s).
5. The State was unable to contact the Defendants to determine their concurrence or objection to this motion.

WHEREFORE, the State requests the Court correct the *Consent Order* entered on December 5, 2002, in Subfile No. CHCB-003-0005 describing the Defendants' water right(s) in accordance with paragraphs two and three above and enter an order adjudicating the water right(s) in the form of the Proposed Corrected Order for Subfile No.: CHCB-003-0005, attached as Exhibit 1.

DATED: August 26, 2022

Respectfully submitted,



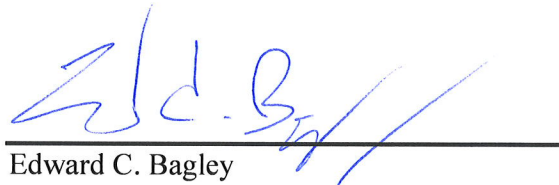
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(505) 827-7844

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26th day of August, 2022, I filed the foregoing electronically through the CM/ECF system, which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail. Additionally, I have mailed a copy of this motion to Defendants Joe M. Madrid and Phyllis Madrid at the following address:

Joe M. Madrid  
Phyllis Madrid  
P.O. Box 574  
Canjilon, NM 87515

  
Edward C. Bagley

